

ORDINANCE No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE I, ENTITLED, "IN GENERAL," SO AS TO CREATE NEW §24-10A ENTITLED, "FLOATING ZONES," TO DESIGNATE CERTAIN ZONING DISTRICTS AS FLOATING ZONES AND TO ESTABLISH REQUIREMENTS FOR THE APPROVAL OF FLOATING ZONES.

Text Amendment T-361

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24 of the City Code (Code Zoning Ordinance), Article I is hereby amended to create new §24-10A to read as follows:

ARTICLE I. IN GENERAL

Sec. 24-10A. Floating Zones.

(1) The following zoning districts are hereby designated and established as floating zones in the City of Gaithersburg:

Division 19. MXD Zone, Mixed Use Development
Division 21. CBD Zone, Central Business District
Division 22. CD Zone, Corridor Development

(2) The approval and placement of floating zones may only occur upon a finding by the City Council that the application therefore:

(a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and

(b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

(3) All properties previously zoned in the MXD Zone, CBD Zone, and CD Zone prior to the effective date of this ordinance shall have been conclusively presumed to have satisfied the standards set forth in §24-10A(2) for approval of floating zones.

(4) Floating zones may be affixed to property by local map amendment or by comprehensive zoning. In the case of comprehensive zoning, such zones may be affixed to property only where the location and placement of such zoning district has been recommended in a duly adopted master plan for the area in which the property is located. In addition, in the case of comprehensive zoning, such zones and their location and placement where recommended in a duly adopted master plan shall be conclusively presumed to have satisfied the standards set forth in §24-10A(2).

(5) Notwithstanding the provisions of §24-10A(3) and (4) above, any schematic development plan, concept plan (CD Zone) or site development plan shall only be approved upon satisfaction of the respective finding required for approval of such plans with or without conditions.

ADOPTED this ____ day of _____, 2003.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003. APPROVED/DISAPPROVED by the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2003, and the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2003. This Ordinance will become effective on the ____ day of _____, 2003.

DAVID B. HUMPTON, City Manager